

ORIGINAL

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, DC 20554

The Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, DC 20554

The Honorable Michael K. Powell  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, DC 20554

The Honorable Harold Furchtgott-Roth  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, DC 20554

The Honorable Gloria Tristani  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W., Room 826  
Washington, DC 20554

**ORIGINAL**

Re: CC Docket No. 96-115—Telecommunications Carriers' Use of Customer Proprietary Network Information ("CPNI")

Dear FCC Chairman and Commissioners:

MobileMedia Corporation ("MobileMedia"),<sup>1</sup> by its attorneys, hereby supports the *ex parte* filing in the above-captioned proceeding of July 20, 1998 made by trade associations representing virtually all of the nation's telecommunications carriers.<sup>2</sup> In their *Joint Letter*, the

<sup>1</sup> MobileMedia is a paging and personal communications service provider serving over 3 million customers in all fifty states.

<sup>2</sup> See Letter to the FCC Chairman and Commissioners from PCIA, USTA, CTIA, CompTel, OPASTCO, NRTA, Small Business in Telecommunications, ITTA, ACTA, NTCA

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various trade associations requested that the mechanized safeguard requirements adopted in the *CPNI Second Report and Order*<sup>3</sup> be stayed pending the Commission's review of these requirements on reconsideration. This stay was requested, in large part, because the Commission has significantly underestimated the costs of implementing these mechanized safeguards, while overestimating their benefits. In addition, the FCC's actions have put carriers in the difficult position of instituting these CPNI safeguards while grappling with the Year 2000 ("Y2K") problem, both of which put extensive time and staffing demands on carriers' management information systems ("MIS") personnel.

MobileMedia agrees with the signatories to the *Joint Letter* that meeting the mechanized safeguard requirements will place a significant burden on MobileMedia's MIS staff. In particular, MobileMedia is currently using a large percentage of its MIS resources to head off any adverse effects that the coming of the year 2000 will have on its computer systems. Allocating resources in this manner is essential to MobileMedia's business plan, because any disruptions in billing, service, or new product delivery due to Y2K bugs will be ill-received by its customers and vendors, who expect and demand a smooth transition to the new millennium. Thus, in order for MobileMedia to simultaneously move forward on its Y2K delivery and the CPNI mechanized safeguard requirements, it will be forced to hire many more MIS personnel. This additional hiring would be expensive even under normal circumstances, but given the currently booming economy, and the fact that most of the industries in the United States need information technology specialists to undertake their Y2K conversions, the costs of such hiring have been vastly increased. Finally, from a computer programmer's point of view, MobileMedia's customer database systems are extremely complex and idiosyncratic. Therefore, any newly hired MIS staff members will require a certain amount of time to master these complexities prior to modifying MobileMedia's computer code in the manner necessary to implement the Commission's mechanized safeguards. This shortage of MIS resources, combined with the steep learning curve associated with modifying MobileMedia's systems, will make it extremely difficult for MobileMedia to meet the FCC's January 26, 1999 deadline.

This resource crunch will be further exacerbated by the need to implement the customer notification and approval requirements set forth in *CPNI Second Report and Order*.<sup>4</sup> For example, MobileMedia estimates the implementation costs for an interactive voice system that would notify its customers of the CPNI rules and allow its customers to approve the use of their CPNI for MobileMedia's marketing of non-CMRS services to them at between \$160,000 to \$260,000, depending upon how user-friendly the system is (*e.g.*, a more user-friendly, but more

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(July 20, 1998) ("*Joint Letter*").

<sup>3</sup> *Telecommunications Carriers' Use of Customer Proprietary Network Information* (Second Report and Order), 13 FCC Rcd 8061 (1998) ("*CPNI Second Report and Order*").

<sup>4</sup> See 47 C.F.R. § 64.2007.

expensive system would use automatic number identification to match the customer's telephone number with his or her account information, while a less user-friendly, cheaper system would require the customer to input his or her telephone number manually). Further, MobileMedia will have to purchase additional services from telephone companies to support this interactive voice service, and will have to ensure that its customer databases are capable of processing queries to determine whether a particular customer has approved of the use of his or her CPNI.

Finally, as demonstrated in the *Joint Letter* and the Petitions for Forbearance and Reconsideration of the *CPNI Second Report and Order*, requiring carriers to implement mechanized safeguards is unnecessary to ensure carrier compliance with the Commission's CPNI rules. In particular, carrier compliance—and customer confidentiality—are already protected by the training, mandatory punishment, and supervisory review processes mandated by other portions of these rules.

Against this background, the Commission should, at minimum, grant the relief sought in the *Joint Letter*, and stay the implementation of its mechanized safeguard requirements until it has ruled on the petitions for reconsideration and petitions for forbearance of the *CPNI Second Report and Order*. Such a stay will allow MobileMedia to focus its limited monetary and human resources on developing solutions to solving the Y2K problem and implementing other aspects of the Commission's CPNI rules. Given the fact that these mechanized safeguards are unnecessary to protect the confidentiality of telecommunications customers, however, the public interest would be even better served if the Commission forbore entirely from their enforcement.

Respectfully submitted,

By: 

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Its Attorneys

By: 

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cc: Ms. Magalie R. Salas (2 copies), Secretary  
Mr. Ari Fitzgerald, Legal Advisor, Office of the Chairman  
Mr. David Siddall, Legal Advisor, Office of Commissioner Ness  
Mr. Paul Misener, Senior Legal Advisor/Chief of Staff,  
Office of Commissioner Furchgott-Roth  
Mr. Peter Tenhula, Office of Commissioner Powell  
Ms. Karen Gulick, Legal Advisor, Office of Commissioner Tristani  
Mr. Dan Phythyon, Chief, Wireless Telecommunications Bureau  
Ms. Kathryn C. Brown, Chief, Common Carrier Bureau  
Mr. Thomas Power, Legal Advisor, Office of the Chairman

Mr. James Casserly, Senior Legal Advisor, Office of Commissioner Ness  
Mr. Kevin Martin, Legal Advisor, Office of Commissioner Furchgott-Roth  
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Mr. Paul Gallant, Legal Advisor, Office of Commissioner Tristani  
Mr. Brent Olson, Policy Division, Common Carrier Bureau